In the High Court of Judicature at Madras

Dated: 04.01.2007

Coram:

The Honourable Mr.Justice P.SATHASIVAM
and
The Honourable Mr.Justice N.PAUL VASANTHAKUMAR

Writ Petition No.468 of 2007
and M.P.No.1 of 2007

A.Khader Basha ..Petitioner

..vs..

The Member Secretary,
Chennai Metropolitan
Development Authority,
Egmore,
Chennai-8. ..Respondent

Writ Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Certiorari, calling for the records relating to Letter No.ESI/24542/2004 dated 30.11.2006, on the file of the respondent and quash the same.

For Petitioner : Mr.K.M.Vijayan, Senior Counsel
for Mr.M.B.Mushtaque Ahamed

For Respondents : Mr.J.Ravindran

ORDER

(Order of the Court was made by P.SATHASIVAM, J.,)

Mr.J.Ravindran, learned counsel takes notice for the respondent.

2. Aggrieved by the demolition notice dated 30.11.2006 of the respondent, the petitioner has filed the above writ petition to quash the same.

3. Heard the learned Senior Counsel for the petitioner as well as the respondent.

4. On receipt of the impugned notice dated 30.11.2006, the petitioner has made a representation on 21.12.2006 to the Member Secretary

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as well as Enforcement Officer, Enforcement Cell (South), C.M.D.A., highlighting his stand and also the fact that the third floor in the building had been constructed 12 years back and the same is assessed to Municipal tax, the tax is being paid regularly with respect to the said property. In the same representation, he also highlighted his family position.

5. In view of the claim of the petitioner, we are of the view that it is for the respondent to consider the said representation and pass appropriate orders. Accordingly, we direct the respondent herein to consider and pass orders on the representation of the petitioner dated 21.12.2006 in accordance with law, within a period of eight weeks from the date of receipt of a copy of this Order. Till such final order/decision being taken pursuant to the said representation, the impugned demolition notice dated 30.11.2006 shall not be implemented.

Writ petition is disposed of on the above terms. No costs. Consequently, connected M.P.No.1 of 2007 is closed.

gl

Sd/
Asst. Registrar

/true copy/

Sub Asst.Registrar

To

The Member Secretary,
Chennai Metropolitan
Development Authority,
Egmore,
Chennai-8.

+ One cc to Mr. J. Ravindran Advocate SR 818
+ One cc to M/s M.B. Mushtaque Ahamed advocate SR 651
TS (co)'
sg 05/01/07

Order in Writ Petition No.468 of 2007
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